

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Willie James Love v Department of Corrections**

Docket No. **282819**

L.C. No. **07-045492-AH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The complaint for a writ of error for new trial based on the September 24, 2007 order denying plaintiff's complaint for a writ of habeas corpus and the motion for appointment of counsel are DISMISSED for lack of jurisdiction since our Legislature repealed the issuance of the requested writ. 1980 PA 506, § 2. Even if the writ still existed, this Court would still lack jurisdiction since a circuit court's denial of a complaint for a writ of habeas corpus cannot be reviewed by a writ of error. *Triplett v Deputy Warden*, 142 Mich App 774, 779; 371 NW2d 862 (1985), citing *In re Brock*, 144 Mich 42; 107 NW 446 (1906). If anything plaintiff attempted to use the writ to bypass the rules that one cannot use a complaint for a writ of habeas corpus as a substitute for an appeal, *Cross v Dep't of Corrections*, 103 Mich App 409, 414-415; 303 NW2d 218 (1981), and that one cannot file a successive motion for relief from judgment where no newly discovered evidence or retroactive change in the law may be found, MCR 6.502(G).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 20 2008

Date

*Sandra Schultz Mengel*

Chief Clerk